

HOUSE BILL No. 1158

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-6-5.

Synopsis: Right to work. Makes it a Class A misdemeanor for an employer to require, as a condition of employment or continuation of employment, a person to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or other third party an amount that represents dues, fees, or other charges required of members of a labor organization. Establishes a private right of action for violations.

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Labor and Employment.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1158

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-6-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]:

4 **Chapter 5. Right to Work**

5 **Sec. 1. This chapter does not apply to the following:**

6 (1) A person employed by the United States or a wholly owned
7 corporation of the United States.

8 (2) A person subject to the federal Railway Labor Act (45
9 U.S.C. 151 et seq.).

10 **Sec. 2. The provisions of this chapter do not apply to the extent**
11 **that they conflict with the federal National Labor Relations Act (29**
12 **U.S.C. 151 et seq.) or any other federal law or regulation**
13 **concerning labor relations or labor organizations.**

14 **Sec. 3. As used in this chapter, "employer" includes:**

15 (1) a person employing at least two (2) persons within
16 Indiana;

17 (2) a public body; or



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(3) an agent acting directly or indirectly for an employer.

Sec. 4. As used in this chapter, "labor organization" means any organization, agency, or employee representation committee that exists for the purpose, in whole or in part, of collective bargaining or dealing with employers concerning grievances, labor disputes, wages, rates of pay, terms, or conditions of employment. The term includes a school employee organization (as defined in IC 20-7.5-1-2(k)).

Sec. 5. As used in this chapter, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity.

Sec. 6. As used in this chapter, "public body" includes the following:

(1) The state.

(2) A political subdivision (as defined in IC 36-1-2-13).

(3) A public transportation agency (as defined in IC 36-9-1-5.5).

(4) A public utility employer (as defined in IC 22-6-2-2).

(5) A school employer (as defined in IC 20-7.5-1-2(c)).

Sec. 7. As used in this chapter, "state" includes any board, branch, commission, department, division, bureau, committee, agency, institution, authority, or other instrumentality of the state of Indiana.

Sec. 8. An employer may not, as a condition of employment or continuation of employment, require a person to:

(1) become or remain a member of a labor organization;

(2) pay dues, fees, assessments, or other charges of any kind or amount to a labor organization; or

(3) pay an amount to a charity or third party that is equivalent to or a pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization.

Sec. 9. A written or an oral contract or agreement, express or implied, between a labor organization and an employer that does not comply with section 8 of this chapter is void.

Sec. 10. A person who knowingly or intentionally violates section 8 of this chapter commits a Class A misdemeanor.

Sec. 11. The attorney general or the appropriate prosecuting attorney shall:

(1) investigate complaints concerning violations of this chapter; and

(2) enforce compliance with this chapter by any appropriate

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1 action.

2 **Sec. 12. (a) A person who is injured as the result of an act or**
 3 **practice that violates this chapter or who suffers injury from a**
 4 **threatened violation may bring a civil action to obtain any or all of**
 5 **the following:**

6 (1) Actual and consequential damages resulting from the
 7 violation.

8 (2) A civil penalty of not more than one thousand dollars
 9 (\$1,000).

10 (3) Reasonable attorney's fees, litigation expenses, and costs.

11 (4) Declaratory or equitable relief, including injunctive relief.

12 (5) Any other relief the court considers proper.

13 **(b) The remedies and penalties in subsection (a) are cumulative**
 14 **and in addition to any other remedies and penalties available for**
 15 **the violation of this chapter.**

16 **SECTION 2. [EFFECTIVE JULY 1, 2004] (a) This act does not**
 17 **apply to or abrogate a contract or an agreement in effect on June**
 18 **30, 2004.**

19 **(b) This act applies to a contract or an agreement entered into,**
 20 **modified, renewed, or extended after June 30, 2004.**

21 **(c) This SECTION expires July 1, 2007.**

22 **SECTION 3. [EFFECTIVE JULY 1, 2004] The provisions of this**
 23 **act are severable in the manner provided by IC 1-1-1-8(b).**

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